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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/698,800

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Eric W. Fleischman

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,800	<b>Applicant(s)</b> FLEISCHMAN, ERIC W.	
	<b>Examiner</b> Sharad Rampuria	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-14 and 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination under 37 CFR 1.114***

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/2007 has been entered.

II. The current office-action is in response to the Amendment filed on 12/21/2007.

Accordingly, claims 6, 8, 15, are cancelled; thus, Claims 1-5, 7, 9-14, 16-23 are pending for further examination as follows:

### ***Claim Rejections - 35 USC § 103***

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7, 12-14, 16-17, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ahn** (US 20030013466), **Padmanabhan** (US 6766245), **Ogasawara et al.** [US 6947754], in view of **IRVIN** [WO 200030379 A].

As per claims 1, 23, **Ahn** teaches:

A method of geo-casting a message to a plurality of recipients each having an address and a known geographic location, (Abstract, ¶ 0086) comprising:

Reporting the current locations and addresses of the plurality of recipients to a geospatial database; (¶ 0089)

**Ahn** doesn't teach specifically, designating a geographic region to transmit the message by reference to a physical structure within the geographic region; to compare the current reported locations of the recipients with the reference to the structure. However, **Padmanabhan** teaches in an analogous art, that designating a geographic region to transmit the message by reference to a physical structure within the geographic region; (e.g. reference to landmark; Col.17; 66-Col.18; 27), to compare the current reported locations of the recipients with the reference to the structure; (Col.20; 5-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Ahn** including designating a geographic region to transmit the message by reference to a physical structure within the geographic region; to compare the current

reported locations of the recipients with the reference to the structure in order to identifying the location of a user based on landmarks or other visual cues visible to the user from their current position.

The above combination teaches all the particulars of the claim except the address of at least one of the recipients being a wide area network address and changing the wide area network address of the recipient to dynamically obtaining a new wide area network address due to movement of the recipient. However, **Ogasawara** teaches in an analogous art, that the method according to claims 1, 12, respectively further comprising the address of at least one of the recipients being a wide area network address and changing the wide area network address of the recipient to dynamically obtaining a new wide area network address due to movement of the recipient. (Col.8; 64-Col.9; 23) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including the address of at least one of the recipients being a wide area network address and changing the wide area network address of the recipient to dynamically obtaining a new wide area network address due to movement of the recipient in order to provide a method for registering a location of a mobile communications terminal served by a mobile communications network. The method comprises: broadcasting, from each of one or multiple specific base stations a radio-zone information notification signal indicating each of the base station's own radio zone.

The above combination teaches all the particulars of the claim except determining the addresses of the recipients that are located within the geographic region by using the geospatial database; transmitting the message to the addresses of each of the recipients having current locations within the geographic region by serially unicasting the message. However, **IRVIN**

teaches in an analogous art, that the method according to claims 1, 12, respectively determining the addresses of the recipients that are located within the geographic region by using the geospatial database; transmitting the message to the addresses of each of the recipients having current locations within the geographic region by serially unicasting the message. (Pg.13; 13-Pg. 14; 2 and Pg. 14; 14-17) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including determining the addresses of the recipients that are located within the geographic region by using the geospatial database; transmitting the message to the addresses of each of the recipients having current locations within the geographic region by serially unicasting the message in order to provide a methods and apparatus for selectively targeting broadcast messages to the mobile based upon geographic criteria.

As per claim 2, Ahn teaches:

The method according to claim 1, wherein the identifying the recipients further comprises accessing a geospatial database and comparing the locations of the recipients and the designated geographic region. (¶ 0086)

As per claim 3, Ahn teaches:

The method according to claim 1, further comprising specifying a delivery method; and transmitting the message according to the specified delivery method. (¶ 0086)

As per claim 4, Ahn teaches:

The method according to claim 1, wherein at least one of the recipients is mobile relative to the geographic region. (¶ 0098)

As per claim 5, Ahn teaches:

The method according to claim 1, wherein the identifying the recipients further comprises operating a computer at an OSI application level. (¶ 0098)

As per claim 7, Ahn teaches:

The method according to claim 6, wherein the transmitting the message further comprises requesting a reply, whereby recipients which do not receive the message may be identified. (¶ 0093)

*Claims 12, 22* are the **system**, claims, corresponding to **method** claim 1 respectively, and rejected under the same rationale set forth in connection with the rejection of claim 1 respectively, above.

As per claim 13, Ahn teaches:

The telecommunication system according to claim 12, further comprising the transmitter receiving a delivery method designator associated with the message and transmitting the message according to the designated delivery method. (¶ 0098)

As per claim 14, Ahn teaches:

The telecommunication system according to claim 12, further comprising the transmitter operating at an OSI application layer. (¶ 0098)

As per claim 16, Ahn teaches:

The telecommunication system according to claim 12, further comprising the message including a reply request, and wherein any one of the receivers that does not respond to the reply request may be identified. (¶ 0093)

As per claim 17, the above combination teaches all the particulars of the claim except the address of at least one of the recipients being a wide area network address and changing the wide area network address of the recipient to dynamically obtaining a new wide area network address due to movement of the recipient. However, **Ogasawara** teaches in an analogous art, that the method according to claim 12, respectively further comprising the address of at least one of the recipients being a wide area network address and changing the wide area network address of the recipient to dynamically obtaining a new wide area network address due to movement of the recipient. (Col.8; 64-Col.9; 23) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including the address of at least one of the recipients being a wide area network address and changing the wide area network address of the recipient to dynamically obtaining a new wide area network address due to movement of the recipient in order to provide a method for registering a location of a mobile communications terminal served by a mobile communications network. The method comprises:



broadcasting, from each of one or multiple specific base stations a radio-zone information notification signal indicating each of the base station's own radio zone.

As per claim 21, Ahn teaches:

The telecommunication system according to claim 12, further comprising an intelligent agent operating within the network to access the geospatial database to identify the addresses of the receivers in the geographic destination. (¶ 0086)

Claims 9-10, 18-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ahn & Padmanabhan, Ogasawara, IRVIN**, further in view of **Jambhekar** et al. [US 6973318].

As per claims 9, 18, the above combination teaches all the particulars of the claim except determining whether an event has occurred and, if the event has occurred, then transmitting the message being made in response to the event. However, **Jambhekar** teaches in an analogous art, that the method according to claims 1, 12, further comprising determining whether an event has occurred and, if the event has occurred, then transmitting the message being made in response to the event. (e.g. approaching to the border; Col.7; 19-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including determining whether an event has occurred and, if the event has occurred, then transmitting the message being made in response to the event in order to provide a method for communication units to receive and/or exchange journey-related information, when approaching a geographic zone that does not support such services.

As per claims 10, 19, the above combination teaches all the particulars of the claim except a reported location being across a border, the message being a border crossing warning, the geographic destination designator designating within a predetermined distance from the border. However, Jambhekar teaches in an analogous art, that the method according to claims 9, 18, wherein the event further comprises a reported location being across a border, the message being a border crossing warning, the geographic destination designator designating within a predetermined distance from the border. (e.g. approaching to the border; Col.7; 19-44)

Claims 11 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ahn & Padmanabhan, Ogasawara, IRVIN**, further in view of **Richard** [US 6785551].

As per claims 11, 20, the above combination teaches all the particulars of the claim except wherein the message further comprises commercial information. However, Richard teaches in an analogous art, that the method according to claims 1, 12, respectively wherein the message further comprises commercial information. (Abstract, Col.2; 23-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including wherein the message further comprises commercial information in order to providing services to individuals in a mobile environment. More particularly, it relates to an efficient process for dynamically providing geographically relevant information to individuals in a mobile environment.

***Response to Amendments & Arguments***

IV. Applicant's arguments with respect to claims 1-5, 7, 9-14, 16-23 has been fully considered but is moot in view of the new ground(s) of rejection.

***Conclusion***

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

[EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Primary Examiner  
Art Unit 2617